



Ministry of Foreign Affairs  
P. O. Box N-3746  
East Hill Street  
Nassau, N. P.,  
The Bahamas

10<sup>th</sup> August, 2004

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NOTE NO. MFA/LAD/313

The Ministry of Foreign Affairs of the Commonwealth of The Bahamas presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 311 of 8<sup>th</sup> March, 2004 in regards to the proposal to conclude a bilateral work agreement for dependents of officials serving in the respective countries.

The Note under reference reads as follows:

*The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of The Commonwealth of The Bahamas and has the honour to propose that our governments conclude a bilateral work agreement for dependents of officials serving in our respective countries.*

*The Embassy of the United States of America proposes to the Ministry of Foreign Affairs that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in the Commonwealth of The Bahamas, and dependents of employees of the Commonwealth of The Bahamas assigned to official duty in the United States be authorized to be employed in the receiving state. The maximum number of dependents authorized to benefit from the provisions of this agreement shall not exceed twenty-five (25) for each party, subject to a contingency of up to four (4) additional dependents, unless modified by mutual consent. This provision shall be subject to review every two (2) years. For the purpose of this agreement, "dependents" shall mean:*

- spouse
- unmarried dependent children under 21 years of age
- unmarried dependent children under 23 years of age who are in full-time attendance at a post secondary educational institution; and
- unmarried children who are physically or mentally-disabled.

For the purpose of this agreement, "employees assigned to official duty" means diplomatic agents, consular officers, and members of the support staffs assigned to, or in the case of U.S. Personnel, accredited as members of, diplomatic missions, consular offices and missions to international organizations.

In general, for dependents who seek employment in the United States, an official request must be made by the Embassy of the Commonwealth of The Bahamas in Washington to the Office of Protocol in the Department of State. For dependents of employees of the Bahamian Mission to the United Nations seeking employment, an official request must be made by the Bahamian Mission to the United Nations to the United States Mission to the United Nations. Upon verification that the person is a dependent of an employee of the Commonwealth of the Bahamas assigned to official duty in the United States, and processing of the official request, the Embassy to the United States or the Mission to the United Nations will be informed by the Government of the United States that the dependent may accept employment.

In the case of dependents of employees of the United States assigned to official duty in the Commonwealth of The Bahamas who seek employment in The Bahamas, the request shall be made by the U.S. Embassy in Nassau to the Ministry of Foreign Affairs, which, after verification, shall then inform the U.S. Embassy that the dependent may accept employment.

Bearing in mind that the purpose of this Agreement is to allow the employment of dependents, both Parties, however, agree that in their implementation of the Agreement, account will be taken of the need to preserve the dignity and integrity of the respective Foreign Service, the diplomatic agent, consular officer or administrative or technical staff and the preservation of national security.

The United States Government and the Government of The Commonwealth of The Bahamas confirm their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations or any other applicable international agreement, enjoy no immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also responsible for payment of income and social security taxes on any remuneration

*received as a result of employment in the receiving state. Dependents continue to enjoy all other privileges and immunities to which they are entitled.*

*The Embassy of the United States further proposes that, if these provisions are acceptable to the Government of The Commonwealth of The Bahamas, this Note and, the Government of The Commonwealth of The Bahamas' reply concurring therein shall constitute an agreement between the two governments which shall enter into force on the date of that reply Note. This agreement shall remain in Force until ninety days of after the date of the written notification from either Government to the other of intention to terminate.*

*The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry the assurance of its highest consideration.*

The Ministry has the honour to inform the Embassy that the Government of the Commonwealth of The Bahamas accepts the proposal contained in the aforesaid Note.

The Ministry of Foreign Affairs of the Commonwealth of The Bahamas avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Embassy of the United States  
of America  
Mosmar Building  
Queen Street  
Nassau, N. P.,  
The Bahamas

